

Application No. 10/027,829
Amendment dated July 22, 2004
Reply to Office Action dated April 22, 2004

Remarks/Arguments

This paper is being filed in response to the Official Action of the Examiner mailed April 22, 2004, setting a three-month shortened statutory period for response ending July 22, 2004. Claims 1-32 remain pending. Reconsideration, examination and allowance of all pending claims are respectfully requested.

On page 2 of the Office Action, the Examiner rejected claims 1-28 and 30-32 under 35 U.S.C. § 103(a) as being unpatentable over Klasky et al. in view of Kaneko et al., and further in view of Robbins. The Examiner states that Klasky et al. suggests a method and system for matching donations. Specifically with reference to claims 1, 20, 24, 25, 30 and 32, the Examiner states that Klasky et al. suggest receiving either directly or indirectly a donation from a contributor (citing paragraph 0011), and tracking the donation campaign online (citing paragraph 0013).

The Examiner acknowledges that Klasky et al. does not suggest assigning the donation to a delivery lot, or tracking the delivery lot at one or more points in time. However, the Examiner states that Kaneko et al. suggest a method and system for ordering amount information, wherein ordered goods are processed, and wherein the processing appears to include assigning the ordered goods to a delivery lot (citing, column 2, lines 46-48). The Examiner then states that Robbins suggest a delivery tracking system, wherein a shipper of a package is able to track the delivery of the package via the Internet at one or more points in time (citing paragraphs 0020 and 0027).

The Examiner concludes that it would have been obvious to one having ordinary skill in

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the art at the time the invention was made to modify Klasky et al. to include assigning the donation to a delivery lot, as suggested by Kaneko et al., because it would allow to arrange shipment of goods ordered in the most cost effective way by planning the adequate transportation means matching the size and weight of a particular delivery lot. The Examiner also concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Klasky et al. and Kaneko et al. to include obtaining the location of each donation at one or more points in time, as suggested in Robbins, because it would allow to retrace the delivery root in case the package of goods ordered is lost, thereby increasing the reliability of the system. After careful review, Applicant must respectfully disagree.

I. Kaneko et al. and Robbins Are Non-Analogous Art

Klasky et al. appears to relate to a process of soliciting online donations through the use of matching donations. Klasky et al. does not, however, appear to relate in anyway to what a charity or the like does with the donations, i.e. the distribution of the collected donations to recipients. As acknowledged by the Examiner, Klasky et al. do not teach assigning the donations to a delivery lot, or providing the location of the delivery lot at one or more points of time.

Kaneko et al. appears to relate to a supply chain management system for a factory or the like. More specifically, Kaneko et al. appears to relate to a technique of calculating an order amount in a process of producing products to be utilized in subsequent processes by using parts delivered from preceding processes, such that the parts to be delivered from the preceding

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processes are neither excessive nor insufficient (see, for example, Kaneko et al., column 1, lines 7-12). Robbins appears to relate to a package delivery tracking system for use by shippers and recipients.

In discussing non-analogous art, the court has stated:

In resolving the question of obviousness under 35 U.S.C. § 103, we presume full knowledge by the inventor of all the prior art in the field of his endeavor. However, with regard to prior art outside the field of his endeavor, we only presume knowledge from those arts reasonably pertinent to the particular problem with which the inventor was involved. The rationale behind this rule precluding rejections based on combination of teachings from references from non-analogous arts is the realization that an inventor could not possibly be aware of every teaching in every art. Thus, we attempt to more closely approximate the reality of the circumstances surrounding the making of an invention by only presuming knowledge by the inventor of prior art in the field of his endeavor and in analogous arts.

The determination that a reference is from a nonanalogous art is therefore two-fold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved.

In re Wood, 202 USPQ 171, 174 (C.C.P.A. 1979) (Emphasis Added). In addition, the court has stated that:

A reference is reasonably pertinent if . . . it is one which, because of the matter with which it deals, logically would have commended itself to the inventor's attention in considering his problem. . . . If a reference disclosure has the same purpose as the claimed invention, the reference relates to the same problem, . . . [i]f it is directed to a different purpose, the inventor would accordingly have had less motivation or occasion to consider it.

In re Clay, 23 USPQ 2d 1058, 1060-61 (Fed. Cir. 1992). In the present case, neither Kaneko et al. nor Robbins appear to be within the field of Applicant's endeavor, e.g. increasing donations to

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an organization. Likewise, neither Kaneko et al. or Robbins appear to be reasonably pertinent to the particular problem with which the Applicant was involved, that is, the problem of increasing the participation of contributors that provide donations to an organization. As such, both Kaneko et al. and Robbins would appear to be clearly non-analogous art.

II. Even if Kaneko et al. and Robbins are Analogous Art, the Combination of Klasky et al., Kaneko et al., and Robbins still does not teach or suggest the present invention

Assuming, for arguments sake, that Kaneko et al. and Robbins are analogous art, the combination of Klasky et al., Kaneko et al., and Robbins still does not teach or suggest the present invention. Turning first to claim 1, which states:

1. (Original) A method for increasing the participation of contributors that provide donations to an organization, the method comprising the steps of:

receiving either directly or indirectly a donation from a contributor;
assigning the donation to a delivery lot of cash, goods and/or services;
obtaining the location of the delivery lot at one or more points in time; and
providing the location of the delivery lot to the contributor.

The Examiner states that Kaneko et al. mentions the phrase "delivery lot" at column 2, line 46-48. Applicant would like to point out that Kaneko et al. does not teach or suggest how or why the parts are positioned in "delivery lots", but simply appears to imply that parts are somehow delivered in delivery lots. The Examiner states that one skilled in the art would be motivated to modify Klasky et al. to include the step of assigning a donation to a delivery lot because it would "allow to arrange shipment of goods ordered in the most cost-effective way by planning the

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adequate transportation means matching the size and weight of a particular delivery lot.”

However, as noted above, Klasky et al. only relates to a process of soliciting online donations through the use of matching donations, and does not relate in anyway to what a charity or the like does with the donations, i.e. the distribution of the collected donations. As such, there would appear to be little motivation to modify Klasky et al. to include the “Method of and System for Order Calculation” of Kaneko et al., as this functionality is not contemplated or even needed by Klasky et al. Nor would this functionality appear to advance the goal of Klasky et al., which is to provide a method for increasing donations through online matching donations.

In addition to the foregoing, claim 1 recites the step of “providing the location of the delivery lot to the contributor.” With respect to this element, the Examiner states that it would have been obvious to modify Klasky and Kaneko to include the step of obtaining the location of each donation at one or more points in time, as taught by Robbins, because “it would allow to retrace the delivery root in case the package of the goods ordered is lost, thereby increasing the reliability of the system.”

As noted above, Robbins relates to a package delivery tracking system for use by shippers and recipients. In Klasky et al., the organization that receives the donations from the on-line system of Klasky et al. presumably provides some sort of distribution system for the donated cash, goods and/or services, although the operation of the organization that receives the donations is not disclosed in Klasky et al. Even if the distribution operation of the organization could be imputed to Klasky et al., which of course it cannot, the combination of Robbins would

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clearly suggest that the organization, i.e. the shipper (and not the contributor), and/or the recipient of the donated cash, goods and/or services, i.e. the receiver (and again not the contributor) could track the donated cash, goods and/or services through the distribution system. However, this is not what claim 1 recites. As noted above, claim 1 recites the step of "providing the location of the delivery lot to the contributor." As can clearly be seen, there is no suggestion, in either Klasky et al., Kaneko et al. or Robbins, for "providing the location of the delivery lot to the contributor", as recited in claim 1.

For the foregoing reasons, as well as other reasons, claim 1 is believed to be clearly patentable over Klasky et al., Kaneko et al. and Robbins. For similar and other reasons, claims 2-32 are also believed to be clearly patentable over Klasky et al., Kaneko et al. and Robbins.

With respect to claims 8-10, 15-16, 17-18 and 27-28, the Examiner states that these claims contain non-functional language that is given no patentable weight. Applicant respectfully, but ardently, disagrees with this conclusion. However, because all of the claims are believed to be in condition for allowance, this point is rendered moot for purposes of this response.

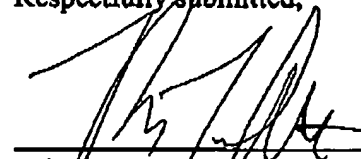
In view of the foregoing, Applicant believes that all pending claims 1-32 are now in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner believes it would be beneficial to discuss the application or its examination in any way, please call the Applicant at (612) 359-9348.

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Respectfully submitted,

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